

Date.....12/3/91.....

Permit No.....91-141.....

TOWN OF ACTON

APPLICATION FOR PERMIT TO CONSTRUCT WITHIN A PUBLIC WAY

This application must be submitted not less than five (5) days prior to any Construction within a public way.

Notice 24 hours in advance of any construction must be given to the Town Engineer.

1. Permittee:.....Clover Realty Corp..... Address:.....P.O. Box 397, Littleton, MA 01460
- 1A. Telephone #.....(508) 486-4340.....
2. Location of Proposed Construction:.....Lot 14 - Stoneymeade Way.....
3. Purpose of Construction:.....Driveway.....
4. Length of Cut:.....12'.....
5. Width of Cut:.....2'.....
6. Width of Existing Pavement:.....20'.....
7. Type of Existing Roadway Surface:.....Asphalt..... Type of Curb:.....Asphalt.....
8. Type of Existing Sidewalk Surface:.....Asphalt..... Type of Shoulder:.....Grass.....
9. Date of Street Opening: From..... To.....
10. For Work Involving Excavations: Dig Safe Number

I, the undersigned, hereby declare that I have read and agree to the Town of Acton Specifications for Regulating Construction with Public Ways dated August 3, 1982. I have deposited the required bond with the Town of Acton, and I covenant and agree that the Town may deduct from this amount the cost of repairs to the road surface, curbs, shoulders, walls or other features within the right-of-way including replacing bounds if not completed by me to the satisfaction of the Town Engineer within the specified time.

Special Instructions:

Signature of Applicant.....

INSPECTION DURING

2 BNS END (1 CHIPPED)

CONTRACTOR HAS DISTURBED ACCESS STRIP TO DETENTION POND. WILL BE RESPONSIBLE FOR REPAIRING ALL TOWN PROPERTY & CLEANING SILT OR MUD FROM DETENTION POND IF NEEDED.

DRIVE SEAL @ BORN
FINISH COAT
RAKE & CLEAN SHOULDER

Permit Issued: Date.....12/3/91.....

By:.....Dennis P. Ring.....

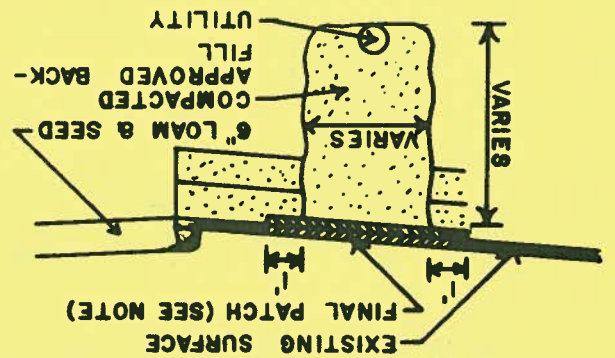
Application Denied: Date

By:.....

Work Inspected and Approved: Date.....5/6/93.....

By:.....Dennis P. Ring.....

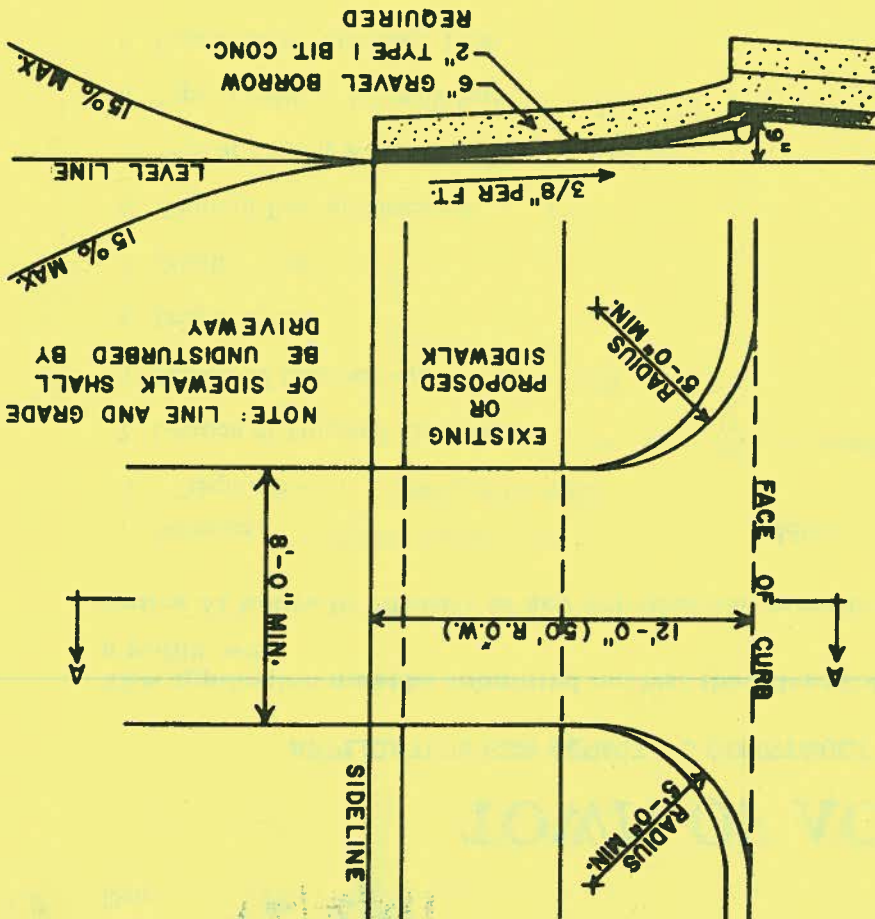
TOWN OF ACTON TRENCH DETAIL FEB. 1969 NO SCALE



NOTE: 1. FINAL PATCH DEPTH
3" OIL TREATED ROADS
4" BIT. CONC. ROADS
2. SEE SPECIFICATIONS FOR
FURTHER REQUIREMENTS

SKETCH

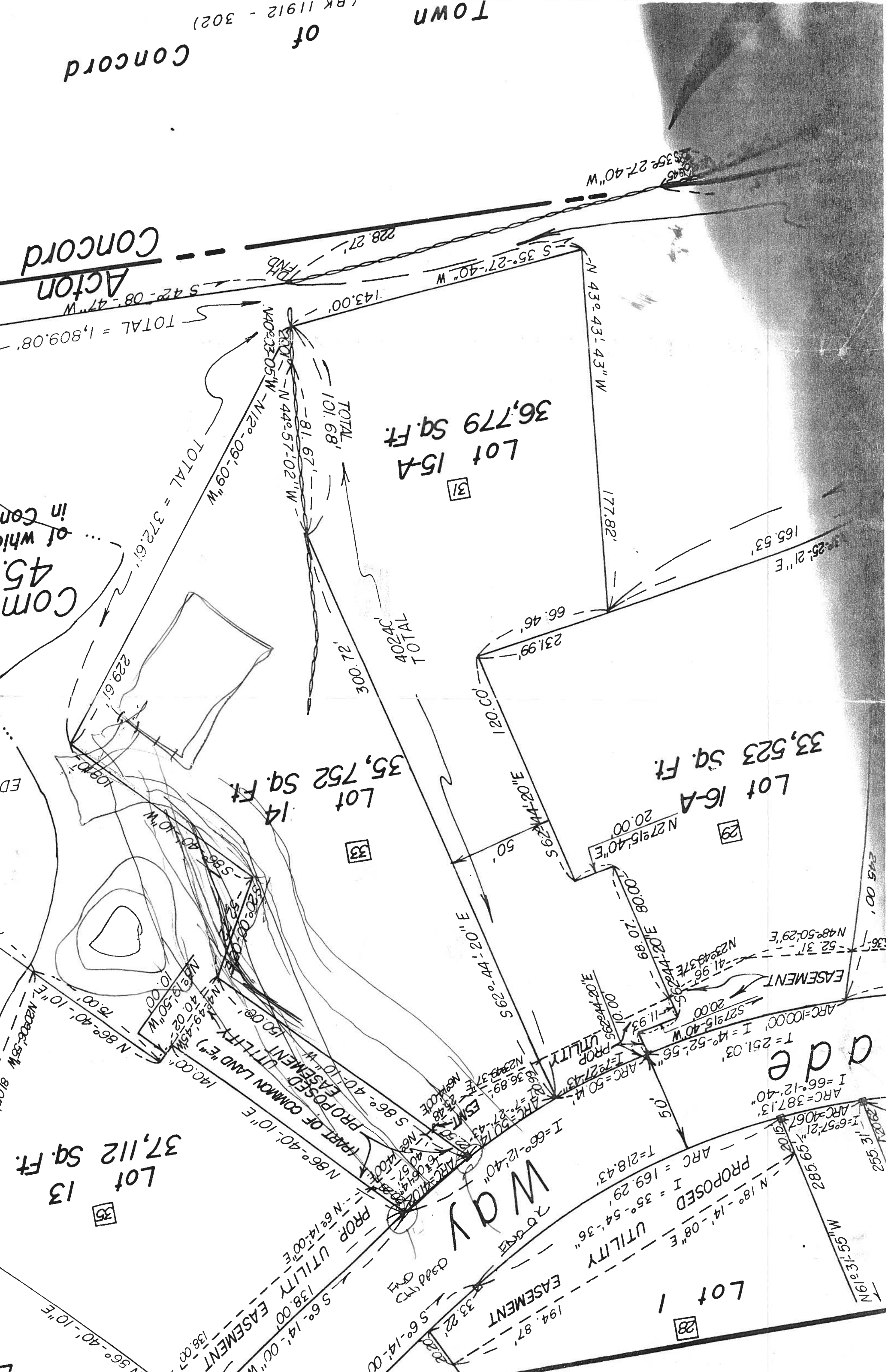
SECTION A-A



Concord
of
TOWN
1912 - 302

Concord
Action
TOTAL = 1,809.08'

com
45
of whic
in con



Lot 15A
36,779 Sq. Ft.

Lot 14
35,752 Sq. Ft.

Lot 16A
33,523 Sq. Ft.

Lot 13
37,112 Sq. Ft.

Way

Lot 1

DATE: 12/2/91

FROM: Engineering Department

TO: Town Treasurer

SUBJECT: Bond - Permit to Construct Within a Public Way

Please hold the enclosed bond in the form of:

Certified Check # _____ Bank _____

Other (Specify) #1729 The Cooperative Bank
in the amount of \$500.00 from Clare Realty

as security for "Permit to Construct Within a Public

Way" # 91-141, located at Lot 14 Stonybrook

for authority see Section IV - A, Specification for

Regulating Construction Within Public Ways.

This bond is to be held until released in writing by
this department.

ACCOUNT #: 796

AMOUNT: \$ 500.00

SIGNED: Dennis P. Ruz

HOLD

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

ACTON ENGINEERING DEPT.

March 2, 1992

TO: Garry Rhodes, Building Commissioner
FROM: Dean A. Charter, Municipal Properties Director *(DAC)*
SUBJECT: Lot 14, 33 Stoneymeade Way

As you may remember, we met with Joe Cataldo in early January regarding damage that he had done to conservation land during the site work for lot 14 Stoneymeade Way. At that time Mr. Cataldo agreed to repair the damage and restore the site to its original condition, but we agreed that such work should be done in the spring. A few days after the site meeting, I had a telephone conversation with Mr. Cataldo, and we agreed that he would post two bonds with the town, within two weeks of that conversation (which was on January 14). The two bonds would be as follows:

Bond 1 would be for \$2250.00, to be held until June 1, 1992, and would cover the cost of loam, seed, fence, and the planting of seven white pines and one maple on town property.

Bond 2 would be held until September 15, 1993, and would cover the removal and replacement of a large oak on Town property that appears to have been damaged. This amount will be \$1000.00.

I have had several subsequent conversations with Mr. Cataldo, but the bonds have not been received as of this date. I think that it is important that this issue be resolved prior to the issuance of an occupancy permit or certificate of completion from the Conservation Commission.

cc.:

Tom Tidman
Joe Cataldo
David Abbt *(circled)*

DAC/9



TOWN OF ACTON
DEPARTMENT OF MUNICIPAL PROPERTIES
472 MAIN STREET
ACTON, MASS. 01720

FILE COPY

DEAN A. CHARTER, M.C.A.
DIRECTOR
508-264-9629

TOM TIDMAN
CONSERVATION ADMINISTRATOR
508-264-9631

RECEIVED
APR 7 1992

April 7, 1992 ACTON ENGINEERING DEPT.

Mr. Joseph Cataldo
Clover Realty Corporation
P.O. Box 397
Littleton, Ma., 01460

Dear Mr. Cataldo:

I am writing to you regarding my concern that you have not begun the repairs to the Conservation land adjacent to the lot you are developing at Stoneymeade (lot 14). As you will no doubt recall, several Town Staff members met with you on site on January 14, 1992, to discuss the damage you had done to Town property, and how you planned to correct the problem. The verbal agreement we reached at that meeting and in subsequent conversations is outlined in the attached memo, dated March 2, 1992. My concern at this point is that you have not gotten back to us with the formal bonds, as you had promised.

The Town could have initiated court action against you for vehicular trespass, as well as a civil suit for negligence as a result of your actions. The Town also could have left the stop work order on the project until you had actually posted the bond amounts or restored the area to our satisfaction. In fact, town staff accepted your word that you would very quickly formalize the promises you made, and you were allowed to continue with construction. It has now been several months since our meetings, and you have not posted the bonds, nor have you begun restoration of our property; in fact, when I inspected the site last week I noticed that you have continued to allow construction vehicles to cross over our property. It appears to me that you have not been dealing with us in good faith, despite the fact that the staff has given you unprecedented latitude to continue your project. With bud break rapidly approaching, I am very concerned that the trees you negligently filled around will die, despite your assurances to the contrary.

Through your apparent attempt to ignore your obligation to the Town, and your recent history of commencing projects without proper permits or clearly defined boundaries, you have pretty much exhausted the goodwill of this department. If I do not have properly executed bonds, as noted in my March 2, 1992 memo, in my possession by April 24, I am prepared to take whatever actions are necessary to compel your compliance, either through the permitting process, through physically blocking the driveway you still have on our property, or through legal action.

Mr. Cataldo

-2-

April 7, 1992

I trust that you will give this matter the prompt attention that it deserves, and which you promised, and avoid some potentially costly consequences.

Sincerely,


Dean A. Charter
Municipal Properties Director

encl.

cc:

Tom Tidman
Garry Rhodes
David Abbt
Don P. Johnson

DAC/28

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

March 2, 1992

TO: Garry Rhodes, Building Commissioner
FROM: Dean A. Charter, Municipal Properties Director
SUBJECT: Lot 14, 33 Stoneymeade Way

As you may remember, we met with Joe Cataldo in early January regarding damage that he had done to conservation land during the site work for lot 14 Stoneymeade Way. At that time Mr. Cataldo agreed to repair the damage and restore the site to its original condition, but we agreed that such work should be done in the spring. A few days after the site meeting, I had a telephone conversation with Mr. Cataldo, and we agreed that he would post two bonds with the town, within two weeks of that conversation (which was on January 14). The two bonds would be as follows:

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I have had several subsequent conversations with Mr. Cataldo, but the bonds have not been received as of this date. I think that it is important that this issue be resolved prior to the issuance of an occupancy permit or certificate of completion from the Conservation Commission.

cc.:
Tom Tidman
Joe Cataldo
David Abbt

DAC/9

TOWN OF ACTON

RECEIVED
APR 13 1992

INTERDEPARTMENTAL COMMUNICATION

ACTON ENGINEERING DEPT.

April 13, 1992

TO: Roy Wetherby, Finance Director
FROM: Dean A. Charter, Municipal Properties Director (DAC)
SUBJECT: Cataldo Performance Bond Checks

As per our discussion this morning, please find two checks from The Co-operative Bank, #04-07885 (\$2250.00) and # 04-07886 (\$1000.00) attached.

These checks were presented by Joseph Cataldo on Friday to serve as a bond for repair work he has promised to conduct on Conservation Land to correct damage that he caused during construction on an adjacent lot, (Lot 14, 33 Stoneymeade Way). The attached IDC, dated March 2, details what work has to be done, and when. These bonds should only be released when approved in writing by myself or Tom Tidman.

attach.

cc.:

Tom Tidman
Garry Rhodes
David Abbt ✓

DAC/39

12/1/45

12/1/45

12/1/45

12/1/45

12/1/45

12/1/45

12/1/45

12/1/45

USION ENGINEERING DEPT

APR 1 1946

RECEIVED

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

March 2, 1992

TO: Garry Rhodes, Building Commissioner
FROM: Dean A. Charter, Municipal Properties Director *(DAC)*
SUBJECT: Lot 14, 33 Stoneymeade Way

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cc.:

Tom Tidman
Joe Cataldo
David Abbt ✓

DAC/9



THE CO-OPERATIVE BANK

04-07886

DATE

APR 10 1992

PAY TO THE
ORDER
OF

*****1000.00

EXACTLY *****1000.00

TREASURER'S CHECK

The Co-operative Bank of Concord, MA 53-7032
2113

Karen L. Swasey
AUTHORIZED SIGNATURE

⑈00007886⑈ ⑆211370325⑆ ?? 000000669⑈



THE CO-OPERATIVE BANK

04-07885

DATE

PAY TO THE
ORDER
OF

...2250.00

EXACTLY *****2250.00

TREASURER'S CHECK

The Co-operative Bank of Concord, MA 53-7032
2113

Karen L. Swasey
AUTHORIZED SIGNATURE

⑈00007885⑈ ⑆211370325⑆ ?? 000000669⑈

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

June 4, 1992

TO: Tom Tidman, Garry Rhodes, David Abbt
FROM: Dean A. Charter, Municipal Properties Director DAC
SUBJECT: Damage to Town land adjacent to Lot 14, Stoneymeade Way

This morning I inspected the status of the restoration work on the Town land adjacent to Lot 14, 33 Stoneymeade Way. As you probably recall, Joe Cataldo allowed his employees to stray onto our land when performing the site work for a house he was building, and caused considerable damage, which we inspected last winter. Mr. Cataldo posted a bond in early April to cover the cost of the restoration, which was supposed to be completed by June 1, 1992.

As of this date, the restoration work has not been performed, and in fact the only work that was done on Town land was that some of the fill has been pulled back from around several large trees. The regrading, loam and seed, retaining walls, fencing, and replacement trees that were promised by June 1, all remain to be done. Mr. Cataldo is now in default of his bond.

It is my suggestion that we give the developer a little more time to complete the work promised, but that any permits that are outstanding be held by your respective departments until such time as the problem has been resolved to the Town's satisfaction.

cc.: Joe Cataldo

DAC/70

DATE: 5/6/93

FROM: Engineering Department

TO: Town Treasurer

SUBJECT: Bond - Permit to Construct Within a Public Way

Please release the bond in the form of:

Certified Check # _____ Bank _____

Other (Specify) #1729 CO-OP BANK

in the amount of \$ 500.00 to Clover Realty

which is being held as security for "Permit to Construct
Within a Public Way" # 91-141,

located at Lot 4 STONEMESSE;

for authority see Section II - A, Specifications for
Regulating Construction Within Public Ways.

Work proposed under this permit has been satisfactorily
completed.

ACCOUNT #: 796

AMOUNT: \$ 500.00

SIGNED: Dennis P. Ruz

MAILING ADDRESS: Clover Realty

P.O. BOX 397

LITTLETON, CO. 80146

RELEASE

